

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA

v.

JUSTIN PEREZ

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CRIMINAL NO. C-13-1080

ORDER ACCEPTING GUILTY PLEA

Now before the Court is the Findings and Recommendation of the United States Magistrate Judge Jason B. Libby containing his recommendation (1) that this Court adopt his findings that the Defendant's guilty plea in the above-styled and numbered cause was knowingly and voluntarily entered, with a full understanding of the consequences of the plea and the constitutional rights being waived, and that the plea was supported by an adequate basis in fact; (2) that the Court accept the Defendant's guilty plea; and (3) that the Court adjudge the Defendant guilty of the offense charged in Count Five of the Indictment. (D.E. 16.)

On February 12, 2014, the Magistrate Judge, by designation and referral of this Court (pursuant to the authority of 28 U.S.C. § 636(b)(3) and this Court's standing order of referral) and with the consent of the parties, conducted the re-arraignment and guilty plea colloquy of the Defendant, Justin Perez. The Indictment charged the Defendant with having committed the following offense:

On or about May 23, 2013, in the Corpus Christi Division of the Southern District of Texas and elsewhere within the jurisdiction of the Court, Defendant,

Justin Perez,

after having been previously convicted of a crime punishable by imprisonment for a term exceeding one (1) year, did knowingly

possess in and affecting foreign and interstate commerce one (1) firearm loaded with ammunition, to wit: an IMBEL, Model 1911-A1, .45 caliber pistol, serial number N470639, loaded with three (3) rounds of .45 caliber ammunition with the head-stamp marking of "P M C 45 AUTO" made by Poonsgan Metal Corp.

In violation of Title 18, United States Code, Sections, 922(g)(1) and 924(a)(2).

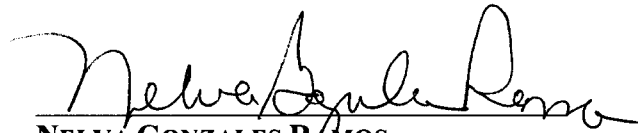
(D.E.1). After being placed under oath and advised of the charge against him, as well as his right to a jury trial and the consequences of entering a plea of guilty, the Defendant entered a plea of guilty to Count Five of the Indictment.

More than fourteen days have passed since the parties, respectively, were served with the Magistrate Judge's Findings and Recommendation, and no party has filed objections. The Court regards such omission as the parties' agreement with and acceptance of the Magistrate Judge's findings. When no timely objection to a magistrate judge's findings and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's findings and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)); *United States v. Rivas*, 85 F.3d 193, 194 (5th Cir. 1996).

In the case at hand, the Court is of the opinion that the Magistrate Judge's Findings and Recommendation is supported by the record and that there is no clear error. Furthermore, the Court finds that the Defendant, Justin Perez, is fully competent and capable of entering an informed plea; that he is aware of the nature of the charge made against him, the consequences of his plea, and the nature of the constitutional rights that he is waiving; that his plea of guilty is a knowing and voluntary plea that did not result from force, threats, or promises (other than promises in a plea agreement); and that it is supported by an independent basis in fact containing each of the essential elements of the offense with which he is charged.

THEREFORE, the Court **ADOPTS** the Magistrate Judge's findings as its own, **ACCEPTS** Defendant's plea of guilty, and **ADJUDGES** the Defendant, Justin Perez, guilty as charged in Count Five of the Indictment.

ORDERED this 3rd day of March 2014.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE